

Sarabjit Kaur Vs Santosh Kumar

**PRESENT Ms.Sukhpreet Kaur, Advocate,
for the applicant-appellant/wife.**

None for the respondent.

The applicant-appellant/wife has filed the present application under Section 24 of the Hindu Marriage Act for the grant of maintenance pendente lite claiming that she has got no source of income whereas the respondent is a film distributor at Nanda Film Distributors, Jalandhar, for the last 15 years and is earning a sum of Rs.30,000/- per month from the said business. It is also averred in the application that he owns a big double storey house in Guru Nanakpura, Jalandhar, and is getting rent of Rs.25,000/- per month from the tenant on the first floor. He has also constructed a big shop in front of his house and is also running the business of iron gates and grills and is earning a sum of Rs.25,000/- to Rs.30,000/- per month from the said business. As such, his total income is Rs.80,000/- to Rs.90,000/- per month. Marriage with the respondent was second marriage of the applicant-appellant/wife whereas the respondent married forth time to the applicant-appellant/wife. She claims maintenance pendente lite @ Rs.20,000/- per month besides litigation expenses.

Despite counsel for the respondent-husband having been informed as per the office report, no one has put in appearance on behalf of the respondent-husband to file reply or to contest the application.

Though we do not deem it appropriate to consider the averments in the application to be gospel truth merely on account of non-filing of reply by the respondent-husband but the act of respondent-husband

CMM-43-2018 and FAO-5505-2017

of not filing the reply and evading appearance before this Court is indicative of the fact that an attempt is being made by the respondent-husband to conceal not only his income but himself also from the Court. Admittedly, he is an able bodied person indulging in multifarious activities from where he is earning. On account of no specific denial regarding the said multifarious activities undertaken by the respondent-husband, we presume that the respondent-husband must be earning any amount between Rs.20,000/- to Rs.80,000/- per month as claimed in the application. Taking into consideration the nature of the works mentioned in the application done by the respondent-husband, it is presumed that he must be earning Rs.30,000/- to Rs.40,000/- per month even if we consider him to be a skilled labourer.

Application under Section 24 of the Hindu Marriage Act, is allowed. A sum of Rs.10,000/- per month is ordered to be paid by the respondent-husband to the applicant-appellant/wife as maintenance pendente lite w.e.f. February 2018. Litigation expenses to the tune of Rs.30,000/- are also awarded.

For payment of entire arrears of maintenance pendente lite as well as litigation expenses, adjourned to 18.7.2018.

This order will not, in any manner, prejudice the proceedings which are pending before the Mediation and Conciliation Centre of Punjab and Haryana High Court.

(M.M.S. BEDI)
JUDGE

March 19, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE